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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/656,669

09/04/2003

Shawn J. Kondas

GRD0238.US

8331

7590

10/19/2004

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EXAMINER

PATEL, DHIRUBHAI R

ART UNIT

PAPER NUMBER

2831

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/656,669

Applicant(s)

KONDAS, SHAWN J.

Examiner

DHIRU R PATEL

Art Unit

2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Bogiel (5,131,860).

Bogiel discloses:

Regarding claim 1, a modular wall panel assembly, comprising: a modular wall panel 10 (see fig 1, column 3 lines 15-20); a mounting bracket 32 (u shaped channel, see fig 2, column 4 lines 28-35) connected to said modular wall panel (see figs 1-2), said mounting bracket including: a base (not numbered, see fig 2) configured for connection to said modular wall panel (see figs 1-2); and a pair of parallel side plates 42 connected to and extending transverse from said base (see fig 2, column 4 lines 30-40); an electrical distribution harness 18 including at least one channel at least partially enclosed by said side plates (see fig 1, column 4 lines 10-12).

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Regarding claim 2, wherein each said side plate includes a slot 66 (see fig 2), said slots being generally aligned with each other (see figs 1-2), said electrical distribution harness including an electrical connector 26 received within said slots (see figs 1-2, column 4 lines 28-45).

Regarding claim 3, wherein said mounting bracket has a u shaped cross-section (see fig 2, column 4 lines 10-12).

Regarding claim 4, wherein said electrical distribution harness includes: an electrical connector 52 (see fig 2); said at least one channel extending from and electrically connected with said electrical connector (see fig 2); and at least one electrical receptacle 24 connected to said electrical connector (see figs 1-2, column 4 lines 1-27).

Regarding claim 5, an electrical distribution harness 18 (see fig 1, column 4 lines 10-12) for a modular wall panel 10 (see fig 1, column 3 lines 15-20) , said electrical distribution harness comprising: .

a mounting bracket 32 (u shaped channel, see fig 2, column 4 lines 28-45) connected to the modular wall panel, said mounting bracket including:

a base (not numbered, see fig 2) configured for connection to the modular wall panel; and a pair of parallel side plates 42 connected to and extending transverse from said base (see fig 2, column 4 lines 30-40); and at least one channel at least partially enclosed by said pair of parallel side plates (see fig 1, column 4 lines 10-12).

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Regarding claim 6, wherein each said side plate includes a slot 66 (see fig 2), said slots being generally aligned with each other (see fig 2), said electrical distribution harness including an electrical connector 26 received within said slots (see figs 1-2, column 4 lines 28-45).

Regarding claim 7, wherein said mounting bracket has a u shaped cross-section (see fig 2, column 4 lines 10-12).

Regarding claim 8, wherein said electrical distribution harness includes:

an electrical connector 52; said at least one channel extending from and electrically connected with said electrical connector (see fig 2); and at least one electrical receptacle 24 connected to said electrical connector (see figs 1-2, column 4 lines 28-45).

Regarding claims 9-11, claims 9-11 are the method counter parts of products claims 1, 4-5 and 8.

Other prior art cited

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Byrne and Chapman et al disclose a modular wall assembly similar to applicant's claimed invention.

Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhiru Patel whose telephone number is 571-272-1983. The examiner can normally be reached on Mon-Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 571-272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pairedirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Dhiru Patel
Primary Examiner
Group Art Unit 2831
October 18, 2004

Dhiru R. Patel
10/18/04
DHIRU R. PATEL
PRIMARY EXAMINER